

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHIGAN BRICKLAYERS AND
ALLIED CRAFTWORKERS HEALTH
CARE FUND, *et al.*,

Plaintiffs,

Case No. 10-10196

v.

Hon. John Corbett O'Meara
GLENN'S TILE, INC., *et al.*,

Defendants.

ORDER OF PARTIAL DISMISSAL

On January 15, 2010, Plaintiffs filed a complaint with the following causes of action: Count I, violation of ERISA; Count II, violation of collective bargaining agreement/LMRA; Count III, breach of fiduciary duties under ERISA and the Michigan Builders Trust Fund Act ("MBTFA"); Count IV, violation of the MBTFA. Although the ERISA and LMRA claims are cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present claims based on state law. This court declines to exercise supplemental jurisdiction over Plaintiffs' MBTFA claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, IT IS HEREBY ORDERED that Plaintiffs' claims under the Michigan Builders Trust Fund Act are DISMISSED.

s/John Corbett O'Meara
United States District Judge

Date: February 10, 2010

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, February 10, 2010, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager